

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2313 OF 2004

Abdul Karim Habib Memonji. ...Petitioner.
Vs.
Municipal Corporation of Gr.Bombay. ...Respondent.

....
Mr. C. K. Tripathi for the Petitioner.
Mrs. N. V. Sanglikar for the Respondent.

.....
CORAM : DALVEER BHANDARI,C.J. &
DR.D.Y.CHANDRACHUD, J.

August 23, 2004.

P.C.:

1. The petitioner is aggrieved by the notice under Section 55 of the Maharashtra Regional and Town Planning Act, 1966. A reply to this notice has been filed and pursuant to that, an order has been passed on 1st January 2004 in which the petitioner was directed to remove the unauthorised development.

2. The learned counsel appearing for the petitioner submits that the unauthorised development has been demolished by the respondent and his prayer in this petition is that the respondent be directed to re-construct the demolished construction because it

was not unauthorised. We have carefully considered the submission advanced by the petitioner. In our considered opinion, we cannot grant this prayer in our extra-ordinary jurisdiction under Article 226 of the Constitution.

3. We find no merit in the writ petition. The writ petition, being devoid of any merit, is accordingly rejected. However, the petitioner would be at liberty to take other steps which are available to him in accordance with law.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.